19184. Adulteration and misbranding of ether. U. S. v. Fifty 1-Pound and Two Hundred ¼-pound Cans of Ether, et al. Product released under bond to be relabeled. (F. & D. Nos. 25557, 25593. I. S. Nos. 613, 684, 687. S. Nos. 3854, 3856, 3886.)

Samples of ether from the shipments herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On December 27 and 30, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of three hundred and twenty-five 1-pound and two hundred ¼-pound cans of ether, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by Merck & Co. (Inc.), from St. Louis, Mo., in various consignments, on or about July 9, July 15, September 16, October 9, October 15, and November 7, 1930, and had been transported from the State of Missouri into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled, "Ether for Anesthesia U.S.P." and a portion was labeled, "Ether U.S.P."

It was alleged in the libels that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statement on the label, "Ether for Anesthesia U. S. P.," was false and misleading.

On March 31, 1931, Merck & Co. (Inc.), Rahway, N. J., filed answers admitting the material allegations of the libels and praying release of the product under bond, conditioned that it should not be disposed of contrary to the provisions of the Federal food and drugs act, and that it be relabeled to show its true quality and the purposes for which it might be used legally. On October 28, 1931, the claimant having filed good and sufficient cost and release bonds, it was ordered by the court that the product be released to the claimant to be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19185. Misbranding of Teethina. U. S. v. 11½ Dozen Boxes of Teethina. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26883. I. S. No. 28874. S. No. 5069.)

Examination of a drug product, known as Teethina, showed that the labeling bore statements representing that the article possessed curative and therapeutic properties which it did not possess. It was further claimed for the article that it was harmless and could be administered freely to babies, whereas it contained drugs that might be harmful.

On or about August 17, 1931, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11½ dozen boxes of the said Teethina, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the C. J. Moffett Medicine Co., from Columbus, Ga., on or about July 11, 1931, and had been transported from the State of Georgia into the State of Maryland, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of bismuth subnitrate, calcium carbonate, sodium citrate, mercurous chloride, and sugar, flavored with ground cinnamon.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling were false and misleading: (Circular) "It is * * * harmless * * * 'Teethina,' * * * is guaranteed to contain no harmful drugs of any description—it is so safe and harmless, * * * that mothers use it freely with their babies from infancy until they get in their teens." Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effect claimed: (Box label) "Teething Powders Teethina * * * Direc-

tions: * * * Diarrhea—Children under 2 yrs., 1 powder every 4 hrs. until bowels are checked, * * * If child is over 2 yrs. give 1 powder every 3 hrs. until same result is obtained. Cholera Morbus—One powder every 2 hours until vomiting and purging ceases or child becomes quiet. Colic—Infants and children subject to frequent attacks, one powder two or three times a week, until the tendency to this painful trouble is overcome. When children are Fretting, Tossing and Wakeful at night from Worms or other irritations, give a powder every few nights until child rests quietly;" (circular) "For Diarrhea Children under two (2) years of age, one (1) powder should be given every four hours until the bowels are checked, * * * If the child is over two (2) years old, give one (1) powder every three hours until the same result is obtained. For Cholera Morbus Give one powder every two (2) hours, until the vomiting and purging ceases or the child becomes quiet and rests. For Colic To infants and children subject to frequent attacks of Colic, give a powder two or three times a week, until the tendency to this painful trouble has been overcome. Worms and Other Irritations When children are fretting, tossing and wakeful at night from a tendency to Worms or other irritations, give a powder every few nights until the child rests quietly. * * * Mother's baby is mother's prize possession, and she wants to be assured that whatever she gives baby will not only bring relief, * * *."

On or about February 25, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal

ARTHUR M. HYDE, *Secretary of Agriculture.*

19186. Misbranding of Jones vegetable herb tablets. U. S. v. 50 Large Packages of Jones Vegetable Herb Tablets. Default decree of condemnation and destruction. (F. & D. No. 26999. I. S. No. 16511. S. No. 5189.)

Examination of a drug product, known as Jones vegetable herb tablets, showed that the labeling bore statements representing that the article possessed curative and therapeutic properties which it did not possess.

On September 29, 1931, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a District Court, a libel praying seizure and condemnation of 50 packages each containing 3 small boxes of Jones vegetable herb tablets at Washington, D. C., alleging that the article was in possession of the Christiani Drug Co., Washington, D. C., and was being offered for sale in the District of Columbia and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of sugar-coated tablets containing extracts of plant materials, including aloe and podophyllum.

Misbranding of the article was alleged in the libel for the reason that the following statements regarding the curative or therapeutic effect of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Large carton) "For the Blood, Kidneys and Liver * * * Purify the blood and keep the liver active, the two most important factors in the making and keeping of perfect health. * * * Recommended for Rheumatism * * * Liver Complaint, Chills, Fever, Neuralgia, Headache, Piles, Irregularity of the Bowels, Dyspepsia, Kidney Disorder, La Grippe, Indigestion, Pimples, Tetter, * * * and Diseases arising from the Liver, Kidneys and Impure Blood;" (small carton) "For the Blood, Kidneys and Liver."

On February 5, 1932, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19187. Adulteration and misbranding of Kojene. U. S. v. 19½ Dozen Small and 4½ Dozen Large Packages of Kojene. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27250. I. S. Nos. 37862, 37863, 37864. S. No. 5315.)

Examination of a drug product, known as Kojene, from the shipments herein described showed that the labeling represented that the article possessed curative and therapeutic properties that it did not possess. Examination further showed that the article contained less of the active ingredient,